

**Texas Council on Consumer Direction
Meeting Minutes
Tuesday, February 28, 2017
10:00 a.m.**

**Brown-Heatly Building, Public Hearing Rooms
4900 N. Lamar Blvd., Austin, Texas 78751**

Table 1: Texas Council on Consumer Direction member attendance at the Tuesday, February 28, 2017 meeting.

MEMBER NAME	YES	NO	Phone	MEMBER NAME	YES	NO	Phone
Mr. Diego Astolfo	X			Mr. Chris Hofmayer		X	
Ms. Helen Baker	X			Ms. Deana Jagers	X		
Mr. Ricky Broussard	X			Ms. Linda Levine	X		
Ms. Nancy Crowther	X			Mr. Dean Pye		X	
Ms. Heidi Davis			X	Ms. Keisia Sobers-Butler		X	
Mr. Roger DeLeon		X		Ms. Misty Sullivan	X		
Dr. Diane Felder		X		Mr. James Van Winkle		X	
Mr. Greg Hansch	X			Ms. Nell Walder	X		
Mr. Del Hodge	X						

Table 2: Texas Council on Consumer Direction state agency representatives and staff attendance at the Tuesday, February 28, 2017 meeting.

STAFF NAME	YES	NO	Phone	STAFF NAME	YES	NO	Phone
Ms. Maria Benedict	X			Mr. Peter Dean	X		
Ms. Paula Brunson	X			Ms. Racheal Kane	X		
Ms. Heatherly Chenet	X			Mr. Michael Roberts	X		
Ms. Shara Cherepes (honorary)	X			Ms. Victoria Washburn	X		
Ms. Amanda Dillon	X						

Agenda Item 1: Introductions and Chair and Vice Chair Updates

Ms. Helen Baker, Vice Chair, addressed the Texas Council on Consumer Direction, also known as the Council. Ms. Baker turned the floor to Ms. Stephanie Gutierrez, HHSC, Project Manager at Stakeholder Relations. Ms. Gutierrez called roll and conducted logistics. Ms. Baker requested that the Council introduce themselves. Ms. Baker turned the meeting over to Chair, Ms. Nancy Crowther. Ms. Crowther requested that the public introduce themselves to the Council.

Agenda Item 2: Review and approve minutes from December 6, 2016 meeting

Ms. Crowther asked the Council to review the minutes from December 6, 2016. Ms. Crowther requested a motion to approve the meeting minutes. Mr. Ricky Broussard made a motion to approve the minutes and Ms. Baker seconded.

MOTION: Mr. Ricky Broussard

SECOND: Ms. Helen Baker

A vote was taken and the December 6, 2016 meeting minutes were approved unanimously.

Agenda Item 3: Review and approve on bylaws, mission, vision, and values

Ms. Crowther turned the floor to Ms. Maria Benedict. Ms. Benedict explained that the bylaws consisted of additions that were made at the previous meeting. Ms. Benedict informed the Council she would update and reformat the bylaws to reflect the amendments.

Ms. Benedict requested that the Council view the proposed Council missions. Ms. Benedict referred to the handout titled, *Proposed Council Mission*. The Council went through four proposed mission statements and selected one main mission statement that best represents the Council. The Council collectively selected proposed Council mission #4, *To enhance the lives of individuals self-directing services and increase utilization of consumer directed services by improving quality, outreach and education and establishing effective processes*.

Ms. Crowther requested a motion be made. Ms. Linda Levine made a motion to accept the proposed Council mission #4 and Mr. Greg Hansch seconded.

MOTION: Ms. Linda Levine

SECOND: Mr. Greg Hansch

A vote was taken and the motion carried unanimously.

Ms. Baker reviewed five vision statements from the handout titled, *Proposed Council Vision*. Ms. Crowther requested a motion be made. Ms. Levine made a motion to accept the proposed Council vision #4, *Consumer Directed Services in Texas is envisioned to be a highly-effective, person-centered delivery methodology that empowers individuals to realize their full potential and live independent lives*. Mr. Broussard seconded.

MOTION: Ms. Linda Levine
SECOND: Mr. Ricky Broussard

A vote was taken and the motion carried unanimously.

Ms. Crowther turned the floor over to Ms. Benedict to review the Council core values. Ms. Benedict reviewed the feedback that was given from the previous meeting regarding the acronym CARES - Collaboration, Accountability, Responsiveness, Empowerment, and Solutions.

Ms. Crowther requested a motion to adopt the core values with the amendments provided during discussion. Mr. Greg Hansch made a motion with Mr. Diego Astolfo seconding.

MOTION: Mr. Greg Hansch
SECOND: Mr. Diego Astolfo

Discussion of each of the description assigned to each letter of the CARES acronym took place. Substitutions were suggested and a consensus was reached. Mr. Hansch withdrew his original motion and, after Ms. Crowther restated the changes, Mr. Hansch restated his motion. Mr. Astolfo seconded the retraction of the motion.

MOTION: Mr. Greg Hansch
SECOND: Mr. Diego Astolfo

Ms. Crowther reviewed the changes made to the amendments provided during the first discussion. Ms. Crowther requested a motion be made. Mr. Hansch made a motion to accept the core values with the changes and Mr. Broussard seconded.

MOTION: Mr. Greg Hansch
SECOND: Mr. Ricky Broussard

A vote was taken and the motion carried unanimously.

Agenda Item 4: External Relations and Legislation Process

Ms. Crowther introduced Ms. Joy Borjes with HHSC Government Relations, Government Relations Specialist. Ms. Borjes briefed the Council of the legislative process and referred to the PowerPoint and handout titled, *Texas Legislature*. Ms. Borjes encouraged the Council to sign up at <http://www.capitol.state.tx.us/> to track the Texas Legislation Online (TLO).

Ms. Borjes explained topics regarding: legislative dates, how a bill becomes a law, tracking legislation, the committee process, and testifying in committee hearings.

Ms. Borjes informed the Council of a bill that would establish a Home and Community Services Waiver for people with persistent and severe mental illness. Ms. Borjes informed the Council that there are several care coordination bills specific to managed care organizations.

The Council asked Ms. Borjes how the Council can best prepare for the 86th legislature. Ms. Borjes recommended identifying priorities as a Council, watch bills that do not pass, and watch interim charges that are released January or February in the even numbered years.

ACTION ITEM: Ms. Borjes will get information to Ms. Benedict regarding rate cuts affecting CDS.

ACTION ITEM: Ms. Borjes will give information to Ms. Benedict on how rate cuts are made. Ms. Borjes will share a copy of a statement regarding this process with Ms. Benedict.

ACTION ITEM: Ms. Borjes will look into whether the Home and Community Services Waiver is specific to age range.

Ms. Crowther requested Ms. Borjes report back to her division with the consideration of ensuring CDS is an option in all future programs and bills.

Ms. Crowther also requested Ms. Borjes return to the Texas Council on Consumer Direction on June 13, 2017 to provide an update of the bills that passed and the impact on statewide usage for consumer direction. Ms. Borjes accepted the invitation.

Agenda Item 5: Office of the Ombudsman Overview

Ms. Crowther introduced Mr. Rick Castillo. Mr. Castillo referred to the PowerPoint and handout titled, *HHS Office of the Ombudsman*. Mr. Castillo provided a presentation to the Council on what the term Ombudsman means as well as what the mission of the Ombudsman is.

The Ombudsman helps to resolve issues that are not satisfactorily resolved by the program complaint process. Primary function is to coordinate resolution of complaints. The Office of the Ombudsman conducts independent reviews of complaints, is unattached from program areas but

work in partnership to assist in resolving issues. They serve as a central contact of consumer affairs in HHS agencies.

The Council asked Mr. Castillo about the top complaints related to CDS and the difference between complaints, grievance, and appeals. Mr. Castillo explained the differences between the definitions to the Council. Mr. Castillo also explained to the Council that the Office of the Ombudsman receives various complaints but in particular the number of inquiries regarding the employer and employee relationship in a family setting are the most common.

Agenda Item 6: STAR Kids Update

Ms. Crowther introduced Ms. Kari Brock. Ms. Crowther also had participants calling into the meeting by phone introduce themselves. Ms. Brock, STAR Kids Policy Specialist, HHSC Policy and Program Development.

Ms. Brock informed the Council that the program, STAR Kids, was implemented November 1, 2016. Currently, there are 164,000 members in STAR Kids. Ms. Brock explained the Continuity of Care Provision phase that will continue through April. Members will continue to see their Physicians and Specialist for one year from when STAR Kids implemented.

Ms. Brock explained additional specifics for the Continuity of Care provisions such as prior authorization for long term services and supports. Prior authorization will continue for six months until STAR Kids screening and assessment instrument is completed.

Acute therapies will also continue for six months from implementation until authorization expires or until a Managed Care Organization (MCO) completes a new assessment for that member.

An out of network provision was put in place until members can find an in network physician or provider. This provision will continue for six months as well.

Ms. Brock informed the Council of the STAR Kids website and explained future plans and updates for user friendly capability. As well as informed the Council of current information and resources that are available.

The Council questioned the feasibility of the assessments being done within a six months' time frame. The Council also asked about the services that will be paid for during transition of members aging out. Ms. Amanda Dillion replied to the Council that there is a transition team that is responsible for

ensuring the services that were provided are paid for by Texas Medicaid and Healthcare Partnership (TMHP) through a reprocessing system.

Agenda Item 7: Lunch

Agenda Item 8: Health Plan Management Complaint Process

Ms. Crowther introduced Ms. Terri Frazier, Unit Manager of Research and Resolution for Health Plan Management (HPM). Ms. Frazier describe and informed the Council of the Research and Resolution team complaint box at: HPM_complaints@hhsc.state.tx.us. Once a person contacts the HPM Complaints box, a tracking number is assigned and one of twelve staff that oversee the complaint box will respond within five days. If the complaint is an urgent access to care issue, Ms. Frazier asked the Council to add, "Urgent Access to Care" in the subject line. By inputting, "urgent" in the subject line the response time is less. Complaints can be about anything related to service provision, policy, claims, authorizations, etc. Ms. Frazier stated that working with the MCO first would avoid delays. However, if an MCO was not responsive, please send to the HPM complaint email address along with any examples or contact information (if known) of the MCO staff working the concern.

Ms. Frazier informed the Council that her team is available to help and work in collaboration.

Agenda Item 9: State agency representative updates including utilization chart review

Ms. Crowther introduced Ms. Dillion. Ms. Dillion explained to the Council that she has no data to report. However, Ms. Dillion stated that she will have the report for quarter one during quarter three. Ms. Dillion explained the state wants to track who is actually using the CDS Option which is why the report lags two quarters. By the next meeting in June she will have the managed care report of STAR Kids and STAR+Plus.

Ms. Crowther introduced Ms. Victoria Wahsburn to discuss utilization review. Ms. Washburn referred to the PowerPoint and handout titled, *Consolidated CDS Utilization Numbers*. Ms. Washburn reviewed the chart with the Council.

Ms. Rachael Kane informed the Council that the self-directed care pilot is moving forward. The stakeholder advisory group will be a special subcommittee of the Behavioral Health Advisory Committee (BHAC). Applications are posted on the website and are due March 10, 2017. The first

meeting will be held towards the end of April but before the April 28th full BHAC meeting.

Mr. Michael Roberts, Adult Protective Services (APS), informed the Council that Adult Protective Services will be divided into two, the In-Home program staying with Department of Family and Protective Services (DFPS) and the Provider Investigations program going to the Health and Human Services Commission (HHSC). Individuals on the CDS option were moved from the In-Home program to the Provider Investigations program. Since this change there has been a dramatic increase in intake. Ms. Crowther asked Mr. Roberts if he can return for the June meeting to give the Council a Legislative update.

Agenda Item 10: Subcommittee Updates

Ms. Crowther introduced Mr. Hansch and Ms. Levine for the CDS Processes and Expansion subcommittee. Mr. Hansch reported that the subcommittee reviewed the guidelines, defined and described the subcommittee's name, and drafted and approved the subcommittee's mission. The subcommittee also discussed the 2017 goals, three goals were drafted and amended.

Mr. Hansch made a motion to adopt the mission: *expanding the delivery of services through consumer direction to programs serving persons with disabilities and elderly persons and improving CDS processes to better address person centered needs* as drafted for the CDS Processes and Expansion subcommittee. Ms. Deana Jagers seconded.

MOTION: Mr. Greg Hansch

SECOND: Ms. Deana Jagers

A vote was taken and the motion carried unanimously.

Ms. Crowther introduced Ms. Deana Jagers for the Quality Assessment and Performance Improvement subcommittee. Ms. Jagers reported that the subcommittee discussed the mission statement and goals. Ms. Jagers explained the significance of this subcommittee and the amount of work that is needed by the subcommittee going forward.

Ms. Jagers made a motion to adopt the mission statement for the Quality Assessment and Performance Improvement subcommittee: *ensure individuals are empowered and rights are protected by identifying best practices and establishing clear quality performance guidelines that will truly impact service delivery in the CDS option*. Mr. Broussard seconded.

MOTION: Ms. Deana Jagers
SECOND: Mr. Ricky Broussard

A vote was taken and the motion carried unanimously.

Ms. Crowther introduced Ms. Heidi Davis for the Training and Outreach subcommittee. Ms. Davis reported that the subcommittee discussed and defined training and outreach, the mission statement, and goals. The subcommittee defined training as enhancing skills and outreach as activities that promote self-direction and educate individuals in self-direction. The subcommittee identified groups to target for Training and Outreach. The subcommittee also identified various training topics of interest to report out.

Agenda Item 11: Roles, Responsibilities, and Relationships Among Service Coordinators/FMSAs and Consumers

Ms. Crowther turned the floor over to the CDS Staff. Ms. Shara Cherepes explained the Texas Administrative Code Chapter 41, Subchapter C. Ms. Cherepes referred to the PowerPoint and handout titled, *Consumer Directed Services (CDS) Roles and Responsibilities*. Ms. Cherepes provided information, based on the PowerPoint, of FMSA Responsibilities, Case Managers/Service Coordinators' Responsibilities, Designated Representative (DR), Appointment of a DR, Proof of Guardianship, CDS Employer Responsibilities and CDS Operations during her presentation.

Ms. Cherepes turned the floor over to Ms. Heatherly Chenet who informed the Council of CDS Policy. Ms. Chenet also referred to the PowerPoint and handout titled, *Consumer Directed Services (CDS) Roles and Responsibilities*. Ms. Chenet provided the Council with the web address to the CDS Inbox: cds@dads.state.tx.us

Ms. Chenet provided information to the Council regarding training for the program provider and service coordinator in terms of their role when an individual self-selects. Ms. Chenet also explained that CDS Staff are looking into specific services that are self-directed and services that are not. Ms. Chenet informed the Council regarding barriers for individuals using CDS such as risks of being an employer, the ability to self-direct certain services and not all of them, and having backup support outside of CDS.

ACTION ITEM: Ms. Cherepes will send *Form 1582 Self-Assessment* to Ms. Maria Benedict for the Council to review.

Ms. Chenet explained the benefit of Managed Care and how to streamline the process for the ease of individuals who use the services.

Agenda Item 12: Public Comment

Ms. Gutierrez made an announcement regarding the process of Public Comment. Ms. Gutierrez introduced Ms. Caren Zysk.

Ms. Zysk addressed the Council regarding the training and instruction manual used in Managed Care for the STAR+Plus program. Ms. Zysk requested that these materials be reviewed for value and updates.

Ms. Angela Smith, Enrollment Specialist with FMSA, addressed the Council regarding whether forms and training will be revised due to the transformation.

Agenda Item 13: Discuss June 13th Agenda and Action Items

Ms. Crowther announced subcommittees and full committee upcoming meetings on June 12th and June 13th. Ms. Crowther also announced that Jami Snyder, Associate Commissioner of Medicaid CHIP Services Department will be attending the June 13th meeting.

ACTION ITEM: The Council can opt to take a free online training of Person-Centered Planning by May 15, 2017. Ms. Benedict will send out the link.

At the request of Ms. Linda Levine, Ms. Benedict will schedule an in-person training by Ms. Mary Bishop at the June 13th meeting.

Ms. Benedict made the announcement of her termination from the agency scheduled for the end of May/early June. Ms. Crowther made appreciative remarks for Ms. Benedict's hard work for the Council.

Mr. Broussard recommended the rate cuts and changes for Home and Community-based Services (HCS) be placed on the Agenda for the June 13, 2017 meeting.

Agenda Item 14: Adjournment

Ms. Crowther adjourned the meeting at 3:10 p.m.